

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
DEMETRIUS MCCLEESE,

Plaintiff,

-against-

NANCY A. BERRYHILL, ACTING  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ANALISA TORRES, District Judge:

On May 21, 2018, Plaintiff, Demetrius McCleese, filed this action pursuant to 42 U.S.C. § 405(g) challenging the final decision of Defendant, the Commissioner of Social Security (the “Commissioner”), denying his application for disability insurance benefits. ECF No. 1. On May 24, 2018, the Court referred the matter to the Honorable Stewart D. Aaron. ECF No. 7. On March 18, 2019, the parties filed a joint stipulation that set out a stipulated statement of facts and their respective positions on the contested issues, in lieu of cross-motions for judgment on the pleadings. ECF No. 16.

After careful consideration, on June 26, 2019, Judge Aaron issued a Report and Recommendation (“R&R”), recommending that the Commissioner’s decision be vacated and that the case be remanded for further proceedings. ECF No. 17. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *See* Fed. R. Civ. P. 72(b)(2). When no objection is made, the Court reviews the R&R for clear error. *Santiago v. Colvin*, 12 Civ. 7052, 2014 WL 1092967, at \*1 (S.D.N.Y. Mar. 17, 2014). The Court finds no clear error. Accordingly, the Court ADOPTS Judge Aaron’s R&R in its entirety, VACATES the Commissioner’s decision, and REMANDS for further proceedings.

The Clerk of Court is directed to terminate the motion at ECF No. 16 and remand the case to the Commissioner of Social Security for further proceedings.

SO ORDERED.

Dated: July 11, 2019  
New York, New York

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18 Civ. 4494 (AT) (SDA)

**ORDER ADOPTING  
REPORT AND  
RECOMMENDATION**

  
ANALISA TORRES  
United States District Judge